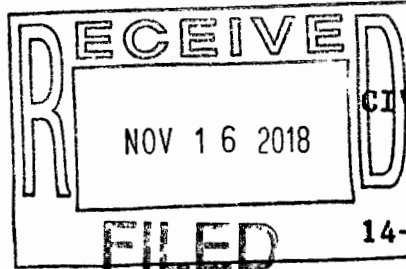


RE: CALVIN CAMPS, PRO. SE. MQ1920  
S.C.I. CHESTER  
500 EAST 4th STREET  
CHESTER PA 19013

IN THE UNITED STATES DISTRICT FOR THE EASTERN DISTRICT OF PENNSYLVANIA PHILADELPHIA

CALVIN CAMPS,  
Plaintiff(s)



CIVIL ACTION NUMBER:

14-CV-01498

Vs.

MICHAEL NUTTER, et.al.  
Defendants.

NOV 16 2018

TRIAL BY JURY DEMAND

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION IN OPPOSITION  
TO THE DEFENDANTS MOTION FOR SUMMARY JUDGMENT**

Now comes, the Plaintiff Calvin Camps, Who is the Plaintiff in this said Cause of Action, filed on the Issues of said UNCONSTITUTIONAL Conditions three-Man Cell, Denials to Medication For his Liver Condition and other medical condition by Prison Officials and its Employees and Medical Providers' Employees And Policy Makers, Who acted under Color of State laws, Causing Said Overcrowded Conditions, Safety Issues, Welfair to Inmates, Injuries, Punishments, Denials, Delays, Refusals, Set up Unconstitutional Conditions that caused Punishments to Pre-Trial Detanees And Convicted Inmates to those Unconstitutional Conditions.

Wherein this said Complaint a number Inmate Grievances were Filed on record of the County Prison System to those said Defendants and its Provider as to its Policies that caused said ILLEGAL CONDITIONS as to THREE-MAN CELL OVERCROWDED CONDITIONS and his Being Subjected to DELIBERATE INDIFFERENCE to Plaintiff.

(2)

**STATE'S DUTY OBLIGATIONS:**

However in this Context it must be REMEMBERED, that it is The STATES'S Obligation to maintain "ORDER" and to preserve The SAFETY and WELFAIR of all CITIZENS: See Commonwealth V. MIKULAN, 504 Pa. 244, 470 A.2d. 1339 (1983); Powell V. Commonwealth, 114 Pa. 265 A. 913 (1887) Affd. 127 U.S. 678, 8 S.Ct. 992, 32 L.ed. 253 (1888). Jackson V. Hendrick, 498 Pa. 270, 284, 446 A.2d. 226 (1982) (Nix J. dissenting).

**UNDER COLOR OF STATE LAW:**

See Corr. Servs. Corp. V. Malesko, 534 U.S. 61, 72 n. 5. 122 S.Ct. 515, 522 n. 5. 151 L.ed. 2d. 456, 467 n. 5. (2001) West V. Atkins, 487 U.S. 42, 54-57, 108 S.Ct. 2250-60, 101 L.ed. 2d. 40, 53-55 (1988) (holding that a Private Doctor, under Contract with a State to provide Medical services to Prisoners at A State Prison Hospital, On a Part-Time basis Acts, Under Color Of State law," within the meaning of § 1983). See Roshorough V. Mgmt & Training Corp. 350 F.3d. 459, 461 (5th. Cir.2003) BERG V. County of Allegheny, 219, F.3d. 261 (3d.Cir.2000) Monell V. N.Y. City Dept. of Social Servs, 436 U.S. 658, 695-701, S.Ct. 2018, 2038 41, 56 L.ed. 2d. 611 (1978).

**SERIOUS MEDICAL NEED:**

See ROUSE V. Plantier, 182 F.3d 192, 197 (3d.Cir.1999). SMITH V. Carpenter, 316 F.3d. 178 (2d.Cir.2003)

**EXPERTS FOR MEDICAL ISSUES:**

MONTGOMERY V. Pinchak, 294 F.3d. 503-04 (3d.Cir.2002) Moore V. Mabus, 976 F.2d, 268, 272 (5th.Cir.1992)

(3)

**CONFLICTING TESTIMONY:**

The Plaintiff's account of acts done to him by Employees, Who are acting under Color of State law, He does not have full Of all Witnesses or Staff members, Agents, Employees, Officers, Doctors, PA-C's, Nurses, their account is squarely in conflict With the Plaintiff Calvin Camps's testimony and statement of FACTS as to those Unconstitutional Conditions Set Up by the POLICY MAKERS and its Agents, Employees, Officers, Officials, Servants, This aspect will be a Credility contest between the DEFENDANTS and the Plaintiff and Witnesses, PRE-TRIAL DETAINEES And those Convicted Prisoners housed inside the County Prison SYSTEM. STEELE V. Shah, 87 F.3d. 1266, 1271 (11th.Cir.1996) GATSON V. Coughlin, 679 F. Supp. at 273.

**LEGAL COMPLEXITY:**

The large number of defendants some of whom are supervisory OFFICIALS is, Herein it present a Complex legal Issues of DETERMINING, Which Defendants were sufficiently personally involved in Policies, that caused said Constitutional Violations to Be held liable for those SET UP Illegal Acts done to PRE-TRIAL DETAINEES and Convicted Prisoners, Herein this said Complaint They Set Up Policies that caused said Injury, Punishments, Harms, DENIALS, DELAYS, REFUSALS, HENDRICKS V. Coughlin, 114 F.3d. 390, 394, (2d.Cir.1997)

**MERIT OF THE CASE:**

The Plaintiff's allegations, If proved, would CLEARLY ESTABLISH a number of Constitutional Violations as to the legal

(4)

## MERIT OF THE CASE:

RIGHTS of PRE-TRIAL DETAINEES and CONVICTED PRISONERS or Inmates  
 As to the Injurious, Denials, Delays, Refusals, Overcrowded conditions, Punishments, Herein the Plaintiff has Clearly Stated a  
 8th & 14th Amendment Violations. See HUDSON V. Mcmillian, 503  
 U.S. 1 112 S.Ct. 995 (1992). The allegations of Denial of ANTI-  
 VIRAL DRUGS, Medical care amount to "Intentionally Interfering  
 With the Treatment, Once Prescribed, Which the SUPREME COURT,  
 Has specifically, cited as a example of Unconstitutional "  
 DELIBERATE INDIFFERENCE," to Prisoners' Medical needs.  
 ESTELLE V. GAMBLE, 429 U.S. 97 105, 97 S.Ct. 285 (1976). See  
 PONTE V. REAL, 47 U.S. 491, 497, 105 S.Ct. 2192 (1985).  
 SUPERINTENDENT V. HILL, 472 U.S. 445, 457, 105 S.Ct. 2768 (1985)  
 WOLFF V. McDONNELL, 418 U.S. 539, 559, 94 S.Ct. 2963 (1974)  
 ROUSE V. PLANTIER, 182 F.ed 192, 197 (3d.Cir.1999).  
 WEST V. ATKINS, 487 U.S. 42 (1988) Cir. 3. 2004, U.S. App.[LX1473  
 7, 985 F.2d. 11 108 S.Ct. 2250, 101 L.ed2d. 40 (1988)

## PROCEDURAL DUE PROCESS:

The severity of the conditions matters a lot. See MITCHELL  
 V. HORN, 318 F.3d. 523 (3d.Cir.2003) PALMER V. RICHARDS, 364  
 F.3d. 60 (2nd.Cir.2004) GILLIS V. LITSCHER, 468 F.3d. 495 (7th.Ci  
 r.2006) The Fourteenth Amendment, DELIBERATE INDIFFERENCE was  
 Shown In Telfair V. Gilberg, 868 F. Supp. 1330, See RYAN V.  
BURLINGTON COUNTY, 674 F.Supp. 464 (D.N.J.1987)

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PENNSYLVANIA DEPARTMENT OF CORRECTIONS  
SCI-CHESTER  
500 EAST 4TH STREET  
CHESTER, PA 19013



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